

### REMARKS

This paper is submitted in reply to the Office Action dated March 1, 2005, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 32-51 were rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Moreover, claims 1-51 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,706,452 to Ivanov in view of U.S. Patent Application Publication No. US 2002/0161597 to Klibaner.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained. Applicants have canceled claims 51-58, amended claims 22, 26-28, 32, 42, 45-46 and 50, and added new claim 59. Applicants respectfully submit that no new matter is being added by the above amendments, as the amendments are fully supported in the specification, drawings and claims as originally filed.

With regard to the §101 rejections, Applicants wish to thank the Examiner for the suggested claim language to overcome these rejections. Accordingly, Applicants have amended independent claim 32 as suggested by the Examiner. The Examiner will note however, that claim 50 has been amended to clarify that the signal bearing medium upon which the program is borne is a "computer readable" medium, which provides similar statutory support as the language suggested by the Examiner. The Examiner will also note that claim 51 has been canceled.<sup>1</sup> Applicants respectfully submit that the claims 32-50 are now directed to statutory subject matter and are therefore patentable. Withdrawal of the § 101 rejections are therefore respectfully requested.

Now turning to the art-based rejections, and more specifically to the rejection of independent claim 1, this claim generally recites a method of managing content in a

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<sup>1</sup>Applicants have also amended claims 22, 26-28, 42 and 45-46 to correct improper dependency issues, and have canceled claims 52-58, which were withdrawn by the Examiner as being directed to non-elected subject matter.

content-controlled database. The method includes linking a content management record to a content item to be incorporated into a content-controlled database. The content management record stores content management information associated with the content item. The method further includes processing the content item through a plurality of stages of a content management process, including updating the content management information stored in the content management record during each stage of the content management process, wherein the plurality of stages includes at least one review stage during which approval of the content item is obtained, and promoting the content item as a result of the content management process such that the content item is user accessible from the content-controlled database, including updating the content management information stored in the content management record to indicate that the content item has been promoted.

In rejecting claim 1, the Examiner relies on Ivanov and Klibaner. Ivanov discloses a method for managing the evaluation of documents by a plurality of users. However, as acknowledged by the Examiner in ¶8 of the Office Action, Ivanov does not disclose the promotion of content to make the content "user accessible" in a database, as is required by claim 1. Indeed, the passages that the Examiner relies upon to allegedly disclose approving content (at col. 26, line 30 to col. 27, line 12) relate to approval of a product proposal, and speak nothing toward controlling access to any content based upon a content management process.

Instead, the Examiner relies on Klibaner, and specifically Fig. 1 and the passages at paragraphs [0025], [0048] and [0070], for allegedly disclosing confidentiality/publishing functionality that Applicants assume the Examiner considers to be analogous to promoting content to make it user accessible in a database.

It is important to note, however, that claim 1 specifically recites that the promotion of content is "as a result of the content management process", and further is

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done "such that the content item is user accessible from the content-controlled database." Klibaner neither discloses nor suggests any functionality analogous to these features.

Klibaner merely discloses a collaborative method for establishing rules to be used in a dispute resolution process. To establish the rules, each party in a dispute is asked to provide their preferences for certain rules, regulations and procedures they would like to follow in the dispute resolution process. Where the preferences of the different parties match, those preferences are used. Where the preferences do not match, parties may be prompted to amend their preferences, or other procedures may be used to resolve the differences (paragraph [0014]). A list of the types of rules, regulations and procedures that may be used is provided in paragraphs [0038]-[0048].

The Examiner apparently focuses on one of these potential rules, found in paragraph [0048], captioned "decision can be published". Of note, however, this rule relates to whether the decision, once rendered by a neutral decision maker, can be published for others to view. There is nothing in the reference that suggests that the publication of a decision is in any way automated by the Klibaner system, or is in any way responsive to any content management process. Indeed, there is nothing in the reference that indicates that a decision document is ever stored in the Klibaner database, or is ever published from that system. Moreover, considering that a preferred embodiment uses the rule selections to generate a contract that is agreed upon by the parties once all rules are agreed upon, it is readily apparent that Klibaner does not contemplate using a selection of a "decision can be published" rule to mean anything more than indicating that, once a decision has been reached in a dispute, that decision can be published by the decision maker or by one of the parties at a later date.

Claim 1 requires the promotion of a specific item of content as a result of a content management process that includes a stage whereby approval of the content item is obtained, where such promotion renders the item accessible to users. Moreover, this claim requires that content management information stored in a content management

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record be updated as a part of the promotion process to indicate such promotion. The "decision can be published" rule in Klibaner that is relied upon by the Examiner falls far short of suggesting any of such features, since there is no suggestion in the reference that the rule is used programmatically to manage any content (if anything, the rule itself is part of the content). Only through the improper use of hindsight would one be motivated to read Klibaner to suggest that a "decision can be published rule" would ever be used for the purpose of programmatically changing user access rights to content in a content-controlled database as a result of "promoting" a content item.

The Examiner also apparently focuses on paragraph [0070] of Klibaner, which discloses the publication of statistics regarding what rules are frequently chosen by parties to disputes. However, there is absolutely no nexus between the publication of statistics and any sort of content management process, or of any promotion or approval of content. The reference is silent as to how the statistics are published, or by what process publication of the statistics is authorized.

Applicants therefore respectfully submit that Klibaner does not suggest modifying Ivanov in the manner suggested by the Examiner. Neither reference appreciates that content may be promoted as a result of a content management process that includes approval of the content, or that any such promotion can be used to render the content user accessible. Accordingly, the combination of Ivanov and Klibaner falls short of disclosing or suggesting claim 1. Applicants therefore respectfully submit that the claim 1 is novel and non-obvious over the prior art of record. Reconsideration and allowance of claim 1, as well as of claims 2-31 which depend therefrom, are therefore respectfully requested.

Next, with respect to independent claims 32 and 50, each of these claims recite in part the concept of processing a content item through a plurality of stages of a content management process that includes at least one review stage during which approval of the content item is obtained, and promoting the content item as a result of the content management process such that the content item is user accessible from the content-

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controlled database. As discussed above in connection with claim 1, this combination of features is not disclosed or suggested by Ivanov and Klibaner. Accordingly, Applicants respectfully submit that claims 32 and 50 are novel and non-obvious over the prior art of record for the same reasons as presented above for claim 1. Reconsideration and allowance of claims 32 and 50, as well as of claims 33-49 which depend therefrom, are therefore respectfully requested.

Next, with respect to the rejected dependent claims, Applicants traverse the rejections of these claims based upon the dependency of each dependent claim on one of the aforementioned independent claims. Nonetheless, Applicants wish to note that at least several of these claims recite additional subject matter that the Examiner has failed to establish would be obvious to one of ordinary skill in the art. For example, claims 3-37 and 34 are directed to various manners of linking content items and content management records, which manners are not suggested by either Ivanov or Klibaner. Claims 8, 19-20 and 35 focus on applications of the invention in managing web site content, concepts that are not suggested by either Ivanov or Klibaner. Claims 23-28 and 43-46 focus on the concept of an update review process, which is similarly not suggested by either reference. Claims 29-31 and 47-49 focus on the initiation of a child content item in response to a modification to a parent content item. Neither Ivanov nor Klibaner even arguably suggests such a concept. Accordingly, Applicants submit these dependent claims are also patentable for these additional reasons.

As a final matter, Applicants have added new claim 59, which recites a method of providing a content management service for managing content in a content-controlled database. The method recites providing services for providing the various steps recited in claim 1. As the combination of steps recited in claim 1 are novel and non-obvious over the prior art of record for the reasons set forth above in connection with claim 1, Applicants submit that the provision of services to perform these steps is likewise

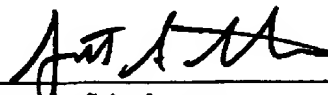
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patentable over the art of record. Consideration and allowance of claim 59 are therefore respectfully requested.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits are necessary to complete this communication, please apply them to Deposit Account 23-3000.

Respectfully submitted,

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Date

  
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